

Town of Dracut

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Implementation of Section 621(a)(1) of the Cable
Communications Policy Act of 1984 as Amended
by the Cable Television Consumer Protection and
Competition Act of 1992

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MB Docket No. 05-311

COMMENTS OF THE TOWN OF DRACUT, MASSACHUSETTS

The Board of Selectmen of the town of Dracut, Massachusetts appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. We strongly oppose the tentative conclusions in the FNPRM that cable-related in-kind contributions are franchise fees and that local governments have no authority regarding cable operators' use of the rights of way to provide non-cable services.

The Town of Dracut, MA is a community of approximately 30,000 people. We have a single cable television provider (Comcast) who has a little over 10,000 cable TV subscribers in town. Dracut Access Television, Inc. (DATV) is a non-profit, 501(c) 3 organization and is the Town's designated Public, Educational, and Government Access (PEG) television provider. The most recently negotiated 10-year license with Comcast that was effective this past fall of 2017

provides 4.0% of Comcast's gross video revenues as the sole funding for DATV on a quarterly basis. An additional .25% of Comcast's gross video revenues are provided directly to the Town to fund a Technology account. The Town of Dracut, MA has a rich and proud history of Public Access television programming going back to 1981. Currently DATV provides hundreds of hours of original monthly programming content, thousands and thousands of hours since public access television began in town over 3 decades ago, programming that includes: *live municipal meeting coverage, Town meetings, local election results, school and recreational sports, special events such as concerts, festivals, political advocacy programs, informational/teaching programs, etc.* DATV's dedicated staff and member producers and volunteers work very hard to provide extremely valuable information to the residents and cable television subscribers. DATV provides outreach aimed at all demographics both young and old providing training in many areas including: *studio production, post-production editing, multi-camera mobile productions, and much more.* DATV provides a voice and means of information sharing and dialogue over Dracut's (3) PEG cable TV channels: 8, 22, and 99, programming that cannot be found in the mainstream media. The town of Dracut views public access television not as a luxury, but a necessity in the fabric of the town. Non-profits, schools, government departments, and residents utilize the services of DATV on a daily basis. The dissemination of emergency information, access to local government meetings and hearings, helping students to prepare for future education and career opportunities - these are by no means frivolous activities in the opinion of this board. These are tasks performed every day by DATV and the town of Dracut, MA can ill afford to lose this long-standing, valuable service.

Reductions in the current franchise fees that fund Dracut Access Television, Inc. would have devastating effects to DATV's ability to maintain the level of services that it provides to its

members and to the town of Dracut, MA. DATV has worked very hard as of late on its plans to expand into a larger space to better serve its members and the town and the recently negotiated 4.0% in funding for the next 10 years played a critical part in DATV's budgeting for build out designs and construction as well as equipment purchases.


Respectfully, the Commission has concluded inaccurately that the monies and services returned to the Town are for the benefit of the municipality when it is far more appropriate to classify these as benefits to the community. Public rights of way are public property and the public should be compensated for their use. Since cable subscribers are already required to pay franchise related costs, these rule changes would reduce their rights and benefits in a time of increasing subscription costs.

The Town of Dracut, MA also desires to retain the right to have input on the placement of equipment such as small cells, in a effort to safeguard the health and beauty of the town. Massachusetts has long cherished the notion of local franchising for cable related services because each municipality is unique. The FNPRM disregards this belief and allows cable television providers like Comcast to make decisions from afar that may well impact the quality of life in Dracut, MA.

The Commonwealth of Massachusetts has what many consider to be the strongest, most active presence of PEG stations providing hundreds of thousands of people with the means and the technology to share information, express their 1st amendment rights, and provide subscribers and residents with hyper-local programming that simply is not available anywhere else. The Town of Dracut, MA has a long and rich history with having public access television as an extremely important benefit for the lives in our community and should the Commission not reconsider its decision to begin allowing cable television providers to deduct the value of so called "in-kind"

donations from the current, negotiated franchise fees commitment that Comcast has made to the Town, we fear that PEG providers like Dracut Access Television, Inc. will suffer dramatically from critical loss of funding and as a result will negatively impact the vital services it provides to the town of Dracut, Massachusetts.

Respectfully submitted,



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Board of Selectmen, Chair

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